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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 February 1993]

RELIGIOUS INTOLERANCE IN THE SOCIALIST REPUBLIC OF VIET NAM

Grave and Systematic violations of freedom of conscience and religion

The International Federation of Leagues of Human Rights (IFHR) and its affiliate organization, the Viet Nam Committee on Human Rights are deeply concerned about continued violations of the right to freedom of conscience and religion in the Socialist Republic of Viet Nam, and particularly by a recent wave of repression against clergy and followers of the Unified Buddhist Church of Viet Nam (An Quang Pagoda).

Between July 1992 and late January 1993, the IFHR and the Viet Nam Committee received numerous reports that hundreds of monks, nuns and lay-people had been systematically harassed, intimidated, arrested, interrogated and subjected to torture in a nationwide campaign of repression launched by the authorities against the Unified Buddhist Church of Viet Nam (UBCV). This repression succeeds Government interference in the funeral of the late Patriarch Thich Don Hau in May 1992 (see IFHR written statement to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities at its forty-fourth session, E/CN.4/Sub.2/1992/NGO/13 of 4 August 1992) and follows a consistent pattern of religious intolerance against the UBCV since 1975.

Reports from Buddhist leaders and two "Top Secret" Vietnamese Communist Party documents sent clandestinely from Viet Nam to the IFHR and the Viet Nam Committee indicate that this repression was aimed at forcibly "unifying" Buddhists into a State-sponsored organization, the Vietnamese Buddhist Church (VBC) set up in 1981, and to officialize this unification at the VBC 3rd National Congress in November 1992. Widespread security sweeps were conducted from July to November to suppress the independent UBCV leadership and coerce monks into joining the VBC. Police harassment of monks who refused to comply was continued throughout December 1992 and January 1993.

Although the Vietnamese Government has systematically persecuted UBCV since 1975, as we have regularly informed the Commission on Human Rights in past years, it has never passed any legislation which renders the UBCV an illegal organization. It is therefore unlawful to persecute Buddhists solely because of their affiliation with the UBCV, not only in regard to international standards, but also in regard to domestic law.

Moreover, 80 per cent of Vietnamese are Buddhists, and the UBCV, which is the traditional Buddhist Church, has played a historic role in the spiritual, cultural and national evolution of Viet Nam for the past 20 centuries. Its teachings are based on tolerance, compassion and the respect for life. The IFHR and the Viet Nam Committee fear that by seeking to suppress the UBCV, the Government of Viet Nam is not only destroying an essential element of the Vietnamese cultural heritage but may also be eliminating an irreplaceable force from the process of national reconciliation.

Furthermore, the IFHR and the Viet Nam Committee consider that harassment and arbitrary detention of UBCV Buddhists solely for the non-violent expression of their opinions and beliefs is a grave violation of article 70 of the 1992 Constitution of the Socialist Republic of Viet Nam, which guarantees the right to freedom of conscience, and also contravenes articles 18, 19 and 22 of the International Covenant on Civil and Political Rights to which the Socialist Republic of Viet Nam acceded in 1982.

Directives for repression against the UBCV were issued through two top-level documents:

(a) "Top Secret" document 125/TUDV of 17 August 1992, issued by the Propaganda Department of the Viet Nam Communist Party (VCP) in Hanoi to all its provincial and municipal sections "Regarding Huyen Quang and various opposition elements", signed by Department Director Phan Minh Tanh. This

document denounces the UBCV as an "illegal organization" and warns against "the malicious and illegal activities of Huyen Quang and his accomplices", confirming Quang Ngai Security Police's instructions to Thich Huyen Quang by which he is strictly forbidden from (i) taking up the title of Head of the Institute for the Propagation of the Faith (i.e. the Executive body of the UBCV); (ii) using his pagoda as UBCV headquarters; (iii) using the Church Seal, which must be handed over to the local authorities; and (iv) making any attempt to leave his village in Quang Ngai (where he has been under house arrest for the past 10 years without reason or charge). "Because of the wide scope of Huyen Quang's activities in the Southern Provinces and the complex and dangerous repercussions they entail, the Central Committee of the Propaganda Department advises all local agencies to ... help the Vietnamese Buddhist (State) Church to prepare for its 3rd Congress by selecting only the good elements ... summoning Buddhist opposition elements for political criticism" and "to spare no efforts in the struggle against Huyen Quang, stepping up surveillance of him and tightening control of all his contacts with people in and outside the country, so that punitive measures may be taken in time."

(b) Classified "Absolutely Secret" document 106/PA 15-16 of 18 August 1992, issued by Quang Tri Province Security Police under the direction of the Ministry of the Interior, entitled: "Report on the Situation and Plan of Action to Counter Extremist Elements plotting to Restore An Quang Buddhist Church", signed by the Quang Tri Security Police Chief. This 13 page document elucidates government policies against the UBCV in preparation for the VBC (State) Congress: "Following directives from the Vietnamese Communist Party Secretariat, the Ministry of the Interior is launching a concerted effort to unmask and destroy the authority of reactionaries and their lackeys in the old An Quang Buddhist Church ... concentrating forces in an all out offensive from now until October 1992 (before the 3rd National Congress of the (State) Viet Nam Buddhist Church) in the areas of Ho Chi Minh City, Dong Nai, Hue, Quang Nam-Da Nang, Quang Ngai and Quang Tri." The report stresses the importance of UBCV influence: "In Viet Nam there are 22 different schools (of Buddhism) ... Among these schools, the Unified Buddhist Church of Viet Nam (An Quang Church) is the most important of all" and urges all local committees to counter this influence by "increasing the proportion of revolutionary elements in Buddhist ranks ... sewing division among top echelons of the Church ... threatening those with a negative attitude and chopping off the arms and legs of opposition elements".

The Quang Tri Security Police Chief admits that "in the past, during the implementation of the Party and State policies, we have committed violations in the domain of religious rights in general, and particularly with regard to Buddhists". However, he calls for stronger measures against UBCV leaders, particularly against the former Patriarch's disciple, Thich Hai Tan, allegedly "an extremist element at the forefront of the struggle to restore An Quang Church". The report gives a detailed account of all the UBCV leadership's activities since the funeral of Thich Dôn Hâu in Hue, listing all correspondence and fax transmissions between the UBCV in Hue with organizations or individuals outside the country. Contacts between the Viet Nam Committee and the UBCV are twice mentioned in this list, which illustrates the high degree of police surveillance on the UBCV.

The IFHR and the Viet Nam Committee believe that the directives in this document not only constitute grave violations of religious rights as guaranteed in article 18 of the International Covenant on Civil and Political Rights but also violate article 17 (1) of the Covenant and article 73 of the Constitution which guarantee that no one should be subjected to unlawful interference with his correspondence. They are also inconsistent which the provisions of article 19 of the Covenant, which guaranteed freedom to seek, receive and impart information, regardless of frontiers.

Following the circulation of these secret documents, Security Police began raiding homes and pagodas, confiscating Buddhist literature and arresting anyone found in possession of letters or sermons by Thich Huyen Quang. Venerable Thich Khong Tanh, author of a petition to the Government calling for the respect of religious freedom, was interrogated repeatedly and finally arrested in Ho Chi Minh City on 2 October 1992 for "leaving his pagoda without a permit" (a distance of 15 km!) He is detained on alleged charges of "circulating anti-socialist propaganda" and "flagrant criminal acts of sabotage which undermine the policy of unity", because of documents written by Thich Huyen Quang which were found at his pagoda in Thu Duc (cf. Police Search Warrant No. 24, 10 February 1992). The penalty for these offences ranges from 3 to 20 years' imprisonment (art. 81/82, 1986 Criminal Code). His arrest violates article 12, which guarantees freedom of movement, as well as articles 9 and 19 of the Covenant.

On 5 September 1992, 28-year-old monk Thich Thien An was tortured to death by security forces in Thu Duc (Ho Chi Minh City). His family was later informed that he had "committed suicide" during the interrogation.

Other UBCV monks who have suffered police harassment and interrogation include: Venerable Thich Hai Binh (interrogated on 13 August 1992 by Security Police in Hue, and again on 4 December 1992 by the Huong Long People's Committee): Venerable Thich Hai Trang (interrogated on 5 August 1992 by the Hue Security Police), Venerable Thich Hai Chanh (interrogated on 3 August 1992 by the Hue Security Police). Of particular concern are the cases of Venerable Thich Nhat Lien, of Long Tho Pagoda, Dong Nai, Thich Hai Tang, of Long An Pagoda, Quang Tri and Venerable Thich Tri Tuu, Superior Monk at Linh Mu Pagoda, Hue who have all been constantly harassed and interrogated by Security Police between August 1992 and January 1993. The IFHR and the Viet Nam Committee possess copies of summonses issued to all these monks by the Security Police.

The IFHR and the Viet Nam Committee are particularly alarmed by the use of torture on UBCV monks in a pressure campaign to undermine the leadership of Venerable Thich Huyen Quang by forcing them to denounce the testament of the late Patriarch, Thich Don Hau. 70-year-old Church elder Thich Nhat Lien explained in a letter to UBCV monks (15 December 1992) how Security Police forcibly extracted his "confession" after nine days of intensive interrogation at Dong Nai People's Committee (between 2 and 12 December 1992): "Because I am old and weak, with so many chronic illnesses wracking my body and mind, I could not stand the "working sessions" ... about the Testament of our Master, Thich Don Hau which they said was a fake ... I hereby declare that the Petition I addressed to the Chairman of the Dong Nai People's Committee and the statement I read out were dictated to me by the cadre in charge of my

interroqation. Like a body emptied of its soul, I wrote and read them just to get it all over with and go back to rest at the pagoda, for I could bear it no longer ... I know I will be called up to work with the authorities again, and this time it will probably be the end of me, for it exceeds the limits of my endurance. I bid you all farewell." Thich Nhat Lien is under house arrest at Long Tho Pagoda, B2 Hung Vuong Street, Xuân Lôc, Province of Dong Nai and is reportedly in very poor health as a result of his ill-treatment by the Police. He is only allowed to leave the pagoda for police interrogation.

Venerables Thich Tri Tuu, Superior Monk at Linh Mu Pagoda, Hue, and Thich Hai Tang, resident monk at Long An Pagoda, Quang Tri, have also been repeatedly interrogated, threatened with expulsion from their pagodas and pressed by police to denounce the Testament of Thich Don Hau. Before his interrogation on 10 December 1992, Thich Tri Tuu wrote to the authorities announcing that he would immolate himself by fire if they persisted in maintaining that the Patriarch's Testament was a fake: "Recently, many monks and lay people, disciples of the late Patriarch, have been interrogated and detained in custody at local State agencies. The aim of the State's investigations is to spread suspicion and dishonour the Testament of our Master, the late Patriarch Thich Don Hau, by proving that it is a forgery. I, Thich Tri Tuu, Superior Monk of Linh Mu Pagoda, Hue, closest and most faithful disciple of Patriarch for the past 17 years, solemnly declare that the Testament is wholly authentic. Its contents were dictated by our Master and faithfully record his last wishes and instructions. If the State refuses to believe this, I will offer my body as a torch to light up the truth. I will do this in front of Government officials and the whole Buddhist community as a prayer for the reestablishment and everlasting continuation of the Unified Buddhist Church of Viet Nam, for the glory of my people and for the respect of Human Rights."

Buddhist layman, teacher Le Van Vinh, went to Da Nang Post Office on 11 December 1992 to fax a copy of Thich Tri Tuu's letter to the Viet Nam Committee on Human Rights. He was arrested immediately afterwards and detained for interrogation by Security Police. They released him five days later after confiscating the letter and 500,000 piastres (the equivalent of two month's salary) which he had in his pocket. The fax never reached the Viet Nam Committee, censored by the authorities. This arbitrary arrest and unwarranted confiscation of private belongings violates article 9 of the Covenant and also article 19 which guarantees the right to freedom of expression.

The IFHR and the Viet Nam Committee are extremely concerned by the directives issued by the Vietnamese Communist Party against the Venerable Thich Huyen Quang, who was appointed by the Patriarch as the new leader of the UBCV. Thich Huyen Quang has never been given the reasons for his arrest or allowed a fair trail despite his repeated letters to the authorities. Since the Patriarch's funeral in May 1992, Thich Huyen Quang has been kept under continual surveillance and repeatedly interrogated by Security Police. In spite of restrictions on his freedom, Thich Huyen Quang continues to speak out for religious freedom. On 25 June 1992, he addressed a "9 Point letter of Claims" to the authorities, calling for the right to a fair trial for himself and all other monks under arbitrary arrest, asking for the "right to existence of the UBCV" and protesting against government control over

Church affairs: "At the end of 1981, the Government, by means of a Congress, established an entirely fabricated "Buddhist Church of Viet Nam" in Hanoi. This Congress was organized and headed exclusively by the Government, not by the dignitaries, the monks and their followers according to the Vietnamese Buddhist tradition. That is why we proclaim that this State Church is just a tool in the hands of the present regime and that, by serving the latter's interests, it no longer has anything to do with the great Buddhist community". Buddhist followers caught in possession of copies of this letter were arrested by the Security Police. On 24 September 1992 he wrote an "Appeal from the Heart" calling for an end to State control over Church affairs, and on 7 November 1992, he sent a "Declaration" to the authorities protesting about the emprise of the Vietnamese Communist Party in the 3rd Congress of the (State) Buddhist Church in Hanoi in which "the State took all the decisions". The authorities have never replied to his appeals. On the contrary, they have subjected him to tighter restrictions and police harassment. The IFHR and the Viet Nam Committee believe that Venerable Huyen Quang is simply exercising his legitimate rights to freedom of conscience and expression. His continued arbitrary detention not only gravely violates article 9 of the Covenant which guarantees the right to liberty and security of the person, but also contravenes article 2, paragraph 3 (a), of the Covenant and article 74 of the Constitution of the Socialist Republic of Viet Nam, which guarantee the right of everyone to seek a remedy for violated rights.

The IFHR and the Viet Nam Committee believe that religious freedom cannot be fully respected in Viet Nam until the Government ceases to impose State control over the Buddhist Church and guarantees the right to existence of the 20-century old traditional Unified Buddhist Church of Viet Nam (UBCV). Buddhists all over Viet Nam have protested against the political character of the 3rd Congress of the (State) VBC in Hanoi. On 6 January 1993, 56 high ranking dignitaries and monks from 17 Pagodas in Hue sent a "Petition" to Thich Tri Tinh, Head of the Board of Directors of the Vietnamese Buddhist Church denouncing the VBC for serving the interests of the Party rather than the Church. The Petition denounces the appointment of Buddhist dignitaries by the 3rd VBC National Congress, and calls upon the Vietnamese Communist Party's Board of Religious Affairs "not to interfere in internal Buddhist affairs, to cease the infiltration of cadres into the Church hierarchy, and allow the Church to manage its own affairs in accordance with the principles of religious freedom guaranteed by the Constitution of the Socialist Republic of Viet Nam".

Furthermore, the IFHR and the Viet Nam Committee are deeply disturbed by the continued arbitrary detention of other UBCV dignitaries solely on account of their non-violent religious beliefs, notably Venerable Thich Tri Sieu (Lê Manh That) detained in Camp Z30A, Xuân Lôc, Venerables Thich Tue Sy (Pham Van Thuong), Thich Thien Tan (Thai Thanh Hung), Trich Phuoc Vien (Le Hien), Thich Tam Can (Nguyen Huu Tin), Thich Thien Minh (Huynh Van Ba), and lay-persons Le Quy Hoa and Nguyen Song Ngoc who are detained in Camp A.20, Xuân Phuoc, Phu Yên province. The arbitrary detention of UBCV Buddhists solely on account of their non-violent religious beliefs is not only inconsistent with article 70 of the 1992 Constitution, which guarantees the

right to religious freedom, but also gravely violates article 18 of the Covenant, which is a non-derogable right (see art. 4 (2) of the Covenant).

The IFHR and the Viet Nam Committee are deeply concerned by these grave and systematic violations of the right to freedom of conscience and religion in Viet Nam, and once again urge the Government authorities to allow the IFHR to send an international inquiry mission to investigate this situation on the spot. The International Federation of Leagues of Human Rights and the Viet Nam Committee on Human Rights strongly call upon the Commission on Human Rights to examine the situation of human rights in the Socialist Republic of Viet Nam during its forty-ninth session.